



U.S. Department of Justice
United States Attorney
Western District of New York

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PRESS RELEASE

July 11, 2003

RE: UNITED STATES v. MARVIN GALLER

United States Attorney Michael A. Battle announced today that a former area physician, Marvin Galler, age 47, now a resident of Boca Raton, Florida, who formerly lived in Williamsville, New York, pled guilty in federal court to adulterating a drug with intent to mislead, in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2) which carries a maximum possible sentence of a term of imprisonment of 3 years, a fine of \$250,000, or both.

Assistant U.S. Attorney John E. Rogowski, who prosecuted the case, stated that Galler, in pleading guilty, admitted that during the flu shot season in November, 2001, as his office's supply of vaccine was running low, he surreptitiously diluted a number of bottles of flu vaccine which he knew his staff would subsequently administer to patients. As a result, between 10 to 50 patients received the diluted flu shots. At the time of the crime, Galler conducted his medical practice as Amherst Cardiology and Internal Medicine at 6333 Main Street, Williamsville, New York. As part of the plea, Galler, who previously surrendered his medical license, agreed to a six year exclusion from any participation in federally funded medical programs such as Medicare and Medicaid.

The plea was the culmination of an investigation on the part of the Western New York Health Care Fraud Task consisting of agents from the United States Department of Health and Human Services - Office of Inspector General, the Federal Bureau of Investigation, the Internal Revenue Service - Criminal Investigation Division, United States Postal Inspections Service, and the Department of Defense - Criminal Investigation Service.

Sentencing is scheduled for October 16, 2003, before the Hon. Richard J. Arcara, United States District Court Judge.

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